IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 32 OF 2005

Baburao Dipaji Pawar .. Applicant

V/s

State of Maharashtra & Ors. .. Respondents

Mr.Uday Warunjikar for the Applicant.

Mr.N.P. Deshpande, A.G.P. for the Respondents.

CORAM : H.L. GOKHALE, J.

DATE : 12TH JANUARY 2007

P.C. :

1. Heard Mr.Warunjikar for the Applicant. Mr.Deshpande, A.G.P. appears for the Respondents.

2. This application seeks that Writ Petition No.4142 of 1999, which is filed by the Applicant herein, be transferred to the main seat of this Court. One of the grounds given is that the petition is pending for good time and although the Applicant applied for an early date of hearing, that was rejected on 19th September 1997. Mr.Warunjikar for the Applicant fairly states that he has been contacting the Applicant, but there is no response from him. I have gone through the record of these proceedings. The grievance of the

Applicant appears to be that he has been compulsorily retired and which action is erroneous. He filed a proceeding in the Maharashtra Administrative Tribunal to challenge the compulsory retirement which appears to have been negatived. That decision has led to Writ Petition No.4142 of 1999.

3. Inasmuch as this is a case of a government employee being compulsorily retired, it would be just and proper that the concerned Bench at Aurangabad takes up the matter on an early date of hearing. This is because in the event the petitioner succeeds earlier, he will get some benefit of the decision of the Court, assuming that any such decision is passed in his favour.

4. In the circumstances, although this M.C.A. is not being entertained, the Registry at Aurangabad is directed to place this writ petition before the concerned Bench to give an early date of hearing. Needless to state that the Bench will issue a notice to the Applicant to attend on a particular date whereafter the matter should be heard further.

5. M.C.A. stands disposed of.

(H.L. GOKHALE, J.)